

## Chapter Twelve

# Growth Management

### Existing Mechanisms for Growth Management

Growth management involves the location, timing, and rate of growth or development. Municipalities often utilize land use and zoning maps to designate the location and density of development, but these maps do not address the timing of development or the rate at which it occurs. Timing growth to coordinate with the availability of public facilities such as roads, water and sewer, or schools, decreases the likelihood that these facilities will become significantly overburdened or underutilized. Over or underused roads, schools, and pipes reduce efficiency and may eventually decrease the quality of life for those who are served by the facility.

Consideration of the rate of growth is therefore critical to ensure the continued provision of optimal levels of facility service. The intent of growth management is to maintain equilibrium over time between development and the public facilities necessary to support growth. Without growth rate projections, the possibility exists that facilities will be built to address short-term inadequacies resulting from ‘booms’ in development. However, in several years the extra capacity might become excessive as the previously high rate of growth slows.

In prior City and County comprehensive plans, the City has been designated as a ‘growth pole’, or a place where development should be concentrated. As a result, it has used a variety of mechanisms to designate the density of development permitted in the City and to coordinate the timing of development with the availability of public facilities. These mechanisms have included the *Carroll County Master Plan for Water and Sewerage*, the *City of Westminster Capital Improvements Program*, consideration of the adequacy of public facilities throughout the development review process, the City’s zoning ordinance, and limitations on the number of building permits issued.

The *Carroll County Master Plan for Water and Sewerage* was originally developed and is periodically updated by Carroll County in coordination with the municipalities that operate public water or sewer facilities. The City owns and operates the Westminster water and sewer utilities and is the only municipality in Carroll County that has historically extended public water and sewer beyond its corporate boundaries. As a result, both the City and the County update the *Master Plan for Water and Sewerage*, and the plan addresses the entire City, as well as areas located within the unincorporated lands on the immediate outskirts of the City.

The *Master Plan for Water and Sewerage* divides the Westminster area into four categories for water and sewer service: Existing and Final Planning Service Area, Priority Planning (0 – 6 Year Service Area), Future Planning (7 – 10 Year Service Area), and No Planned Service. These designations address both the location and the timing for the provision of public water and sewer, and in effect create a ten-year growth boundary around the City of Westminster. In the past, this boundary has been weakened because of the Carroll County

Zoning Ordinance and Map, which allowed residential and commercial development outside of the planned public water and sewer area. This action prompted requests by developers to expand the service boundaries, who believed that they should be able to achieve the densities envisioned by the zoning.

The Mayor and Common Council of Westminster adopted Good Cause Waiver legislation on August 12, 2002 in response to the negative impacts created by this scenario. The legislation promotes the orderly development of properties at appropriate densities by requiring owners of properties that are to be served with water and/or sewer service to file a petition to annex into the corporate limits of the City of Westminster. If a property is unable to annex into the City, the property owners may file for a 'Good Cause Waiver' of the annexation requirement. Upon approval by the City, the property owners are required to sign an agreement stating that they will file a petition to annex when annexation becomes legally possible. The agreement is recorded in the Land Records of Carroll County and runs with the property. Only properties located in the Existing/Final Planning and Priority Planning Service Areas may file for a Good Cause Waiver. Through this process the legislation clarifies development expectations while maintaining the integrity and service level of the water and sewer system for current users.

The second mechanism that addresses growth management in the City of Westminster is the *Capital Improvements Program* (CIP). The *Capital Improvements Program* describes those projects to be funded over the next six fiscal years and is updated every year as part of the annual budget. The first year of the CIP is the budget year. Projects scheduled for the budget year are funded by the adoption of the City's annual budget. The CIP describes the capital projects and facilities to be built, repaired, replaced, or purchased; the locations of the projects; and the schedule for completing the projects. The type, scale, timing, rate, and location of new development will affect the public costs of providing these facilities and associated services. The *Capital Improvements Program* reduces City expenditures by coordinating capital projects with forecasted development. The City can budget funds for land acquisition years in advance of an existing facility reaching inadequacy. In addition, the City Code requires that private developers financially assist the City with needed capital projects planned for their property by the CIP.

Consideration of the adequacy of public facilities throughout the development review process is another tool to manage the rate of growth in the City. The Westminster Planning and Zoning Commission makes an official determination of adequacy through the review and approval process for preliminary plans, site plans, and final plats. The Planning and Zoning Commission may deny a plan or require the developer to make improvements based upon a finding of inadequacy. The facilities currently considered for adequacy by municipalities in Maryland include schools, roads, water and sewer systems, stormwater management, emergency response and police protection, and solid waste disposal. The City has not independently developed guidelines or thresholds for the adequacy of public facilities; therefore, the Planning and Zoning Commission considers adequacy reports submitted by the various agencies responsible for providing the service. Some facilities, such as schools, are provided exclusively by Carroll County government. Coordination between the City and the County in the development of some adequate facilities guidelines is necessary.

The *Land Use and Development Ordinance* is the City's Zoning Ordinance and addresses the location of future growth. The Zoning Ordinance consists of text and a map. The text provides a description of each zoning district and indicates the density of development permitted by establishing requirements for lot sizes and building setbacks and height. The zoning text also designates the types of uses permitted in each zoning district. The zoning map shows the geographic location of each of the zoning districts described in the zoning text. All properties located in the City are shown on the Zoning Map.

The codified method for managing the growth rate of approved residential projects in the City of Westminster involves a restriction on the number of building permits that may be issued for a subdivision in a given year. Section 164-199 (F) of the *Charter and Code of the City of Westminster* limits the number of building permits issued to 50 per calendar year for any residential development plat. This requirement must appear as a written notation on the final plat as a condition of approval to ensure recordation of the restriction in the Land Records of Carroll County.

The City has employed a variety of other strategies to manage growth. Negotiations for public improvements with developers for roads, public utilities, and recreational facilities is begun early in the development review process to clarify requirements and better incorporate such improvements in final plans. The City has also negotiated phasing plans with developers to address the rate at which new homes are built. The date of occupancy can be used to allow construction progress in a development, if that construction would coincide with the completion of a public improvement project. In cases of a known facility inadequacy preliminary approvals can be granted to allow the development process to continue, with the developer aware that further design is at their own risk. If a relief project is scheduled in the CIP, the developer has an idea of when the development would be granted construction approvals. Final approval will not be granted by the City until the inadequacy is resolved.

## Goals and Objectives

The following goals and objectives have been developed for growth management. The related recommended actions can be found in the Plan Implementation chapter.

**Goal 1:      Coordinate existing regulatory mechanisms with the desired extent of growth in the Westminster Community Planning Area.**

Objectives and recommended actions:

1.      Designate areas for future annexation into the City of Westminster.
  - a.      Focus proposed annexations on lands for commercial and industrial development.
  - b.      Coordinate annexation efforts with Carroll County.
  - c.      Ensure that annexation occurs in-step with the need projected by future demand.
2.      Determine appropriate density levels for development in Westminster.
  - a.      Consider the locations of natural resources.
  - b.      Coordinate the Zoning Ordinance, Water and Sewer Master Plan, and other documents with desired development densities.
3.      Coordinate with Carroll County to develop a logical growth area.
  - a.      Establish a growth area boundary.
  - b.      Modify the Community Planning Area as appropriate.
  - c.      Review the development process and regulations in order to determine methods of streamlining the process.

**Goal 2: Improve existing growth management tools.**

Objectives:

1. Review and revise, as appropriate, the City's policy for adequate public facilities, in order to address the interjurisdictional nature of schools, emergency services, and roads for the prevention of future problems posed by potential facility inadequacies.
  - a. Adopt guidelines for use by City officials when reviewing development plans.
  - b. Address the issue of facilities that are provided by another jurisdiction, but impact local decision-making.
  - c. Coordinate these efforts with Carroll County.
2. Continue to coordinate the six-year *Capital Improvements Program* with expected and planned growth.
  - a. Continue to limit the number of building permits issued to a single developer to 50 permits per calendar year.
  - b. Continue to monitor the timing and provision of public facilities.
3. Consider growth management during review of proposed amendments to the *Carroll County Master Plan for Water and Sewerage*.
  - a. Limit expansions of the water and sewer service areas when such expansions would result in sprawl development.
  - b. Expand the water and sewer service area only to those parcels of land that would result in an organized development pattern.
4. Revise the Land Use and Development Ordinance as necessary to accommodate the desired level of growth.
  - a. Consider the adoption of a zoning district where townhouses and multi-family dwellings would be permitted as of right.
  - b. Adjust the permitted uses and densities for all Zoning Districts in order to achieve the desired type and density of development.
  - c. Re-zone appropriate parcels to the Mixed Use Infill Zone.